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OFFICE OF PETITIONS

In re Application of
Douglas W. Versaw
Application No. 09/637,806
Filed: August 11, 2000
Attorney Docket No. S123

DECISION ON PETITION

This is a decision on the petition under 37 CFR § 1.137(b), filed August 22, 2002, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to respond in an appropriate and timely manner to the "Notice to File Missing Parts of Nonprovisional Application" mailed November 6, 2000, which set forth a two (2) month shortened period for reply. No extensions of time under 37 CFR § 1.136(a) were obtained. No reply was received within the allowable period. Accordingly, this application became abandoned on January 7, 2001.

Petitioner responded to the Notice by filing on August 22, 2002, a preliminary amendment." Petitioner also remitted the surcharge that was due.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The request for change of correspondence address filed August 22, 2002, is noted, however; it cannot be entered at this time because petitioner has not filed an appropriate power of attorney. Although a courtesy copy of this decision is being mailed to petitioner at the address cited on the instant petition, petitioner is advised that all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

The application is being forward to the Office of Initial Patent Examination for further processing and for attention to the request to correct attorney docket number filed August 22, 2002.

Telephone inquiries concerning this matter may be directed to the undersigned, at (703) 305-0010.



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